

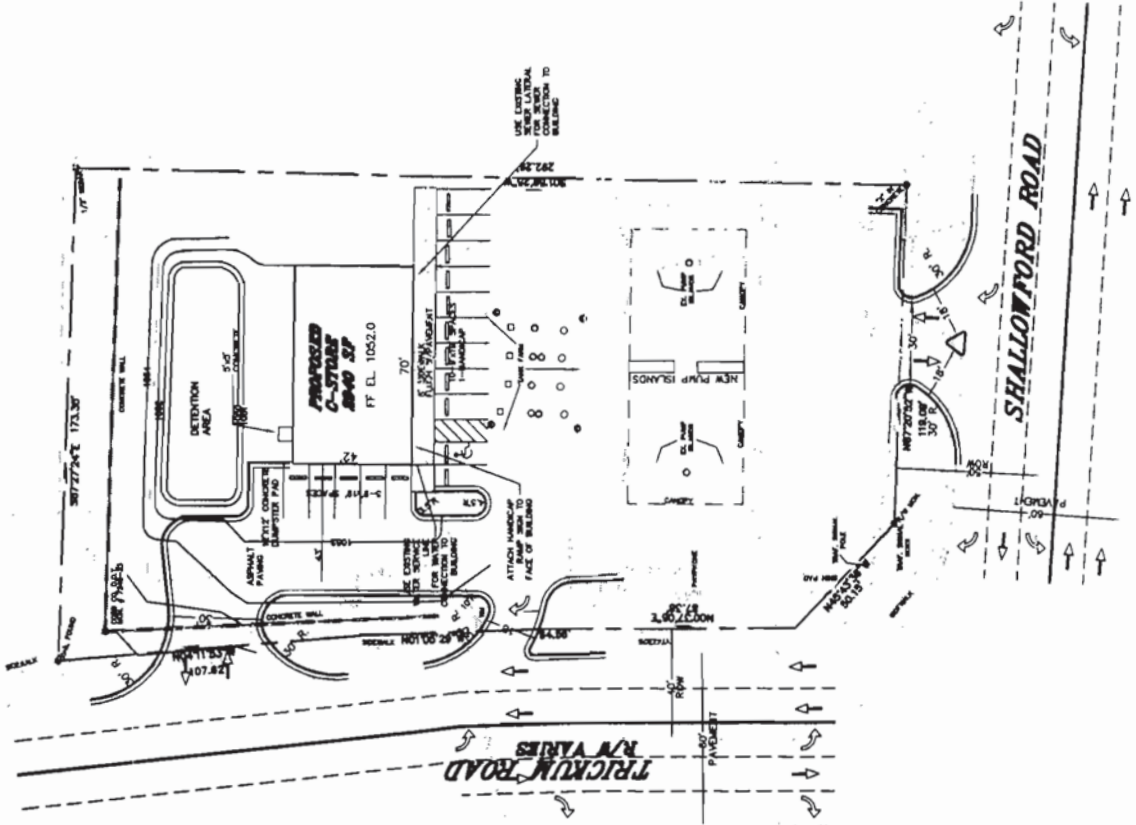
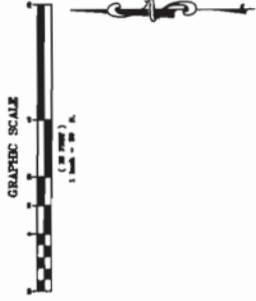


COBB COUNTY GEORGIA
 FILED IN OFFICE

2013 MAR -6 AM 11:38

COBB COUNTY ZONING DIVISION

- LAKE & STREAMS
NONE ON SITE
- FLOOD PLAIN
NONE ON SITE
- CEMENTARIES
NONE ON SITE
- WETLANDS
NONE ON SITE



APPLICANT: Sami Nafisi

704-506-6134

REPRESENTATIVE: Louis J. Passarella, Jr.

770-757-8702

TITLEHOLDER: Sam's Real Estate Holdings-Georgia, LLC

PROPERTY LOCATION: Northeast intersection of Shallowford

Road and Trickum Road

(2375 Shallowford Road).

ACCESS TO PROPERTY: Shallowford Road and Trickum Road

PHYSICAL CHARACTERISTICS TO SITE: Convenience store

with fuel sales

PETITION NO: Z-16

HEARING DATE (PC): 05-07-13

HEARING DATE (BOC): 05-21-13

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Remodeling an existing
Convenience Store

SIZE OF TRACT: 1.068 acres

DISTRICT: 16

LAND LOT(S): 310

PARCEL(S): 41

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: PSC/Shopping Center

SOUTH: NS/Vacant Commercial Building

EAST: PSC/Shopping Center

WEST: NRC and GC/Convenience Store with Fuel Sales and Ice Cream Shop

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

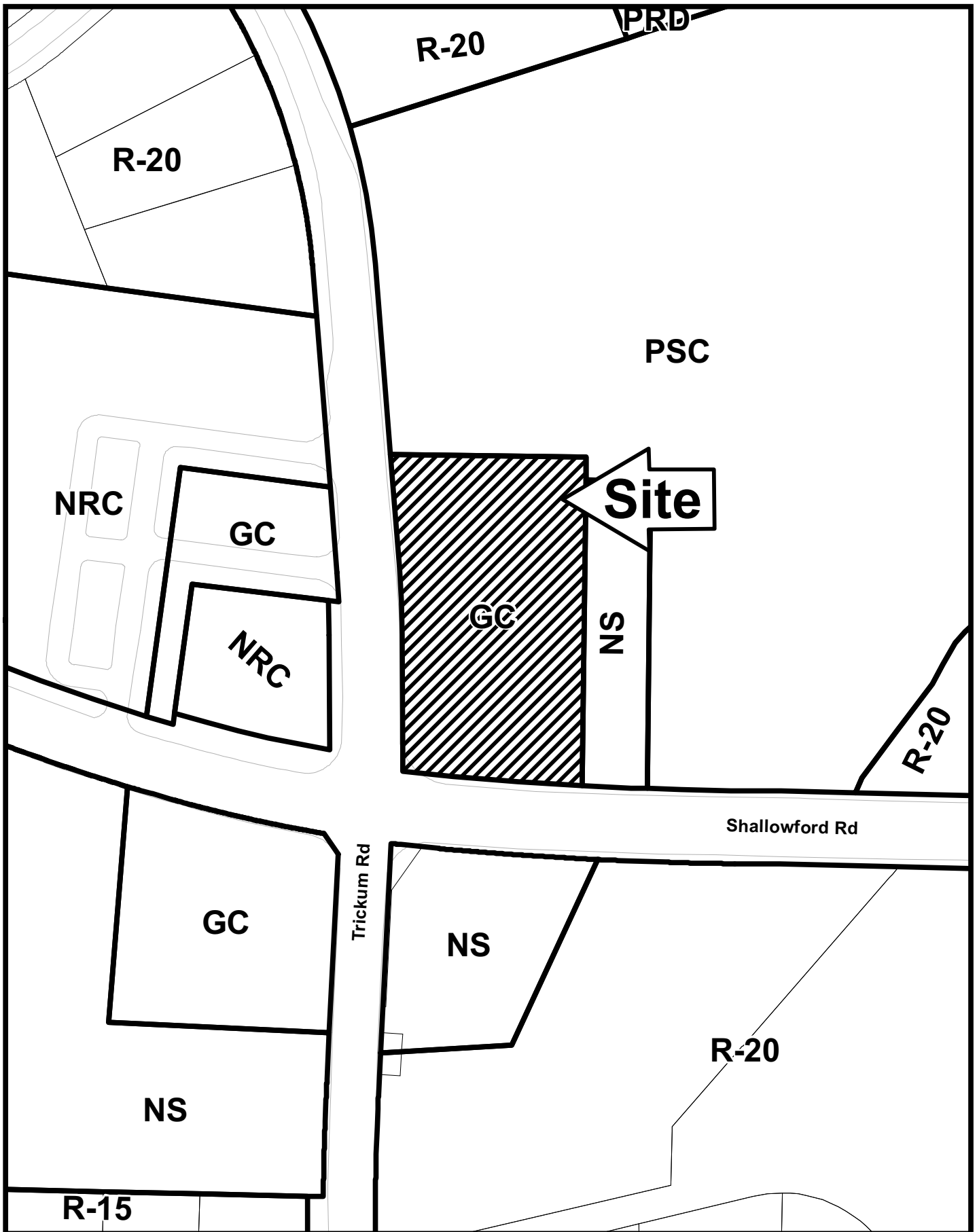
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

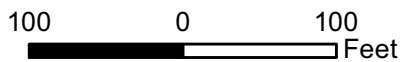
STIPULATIONS:





Z-16



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: Sami Nafisi

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,940

F.A.R.: .063 **Square Footage/Acre:** 2,752

Parking Spaces Required: Minimum of 5, 1 per Employee **Parking Spaces Provided:** 17

Applicant is requesting to rezone the subject property to the Neighborhood Retail Commercial (NRC) zoning category in order to develop a new convenience store with fuel sales. The property currently has a 1,229 square-foot convenience store with fuel sales and a carwash. The current General Commercial (GC) zoning on the property cannot be developed under the current Neighborhood Activity Center (NAC) land use category. Applicant plans to remove the existing store and carwash and build a new 2,940 square-foot convenience store with fuel sales and no carwash. The hours of operation will be 24 hours per day. Applicant has submitted the attached elevations for the proposed convenience store. The new building will consist of brick, glass and stucco.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Sami Nafisi

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and NRC for purpose of a convenience store. The 1.068 acre site is located at the northeast intersection of Shallowford Road and Trickum Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT Sami Nafisi

PETITION NO. Z-016

PRESENT ZONING GC

PETITION FOR NRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **12" DI / S side of Shallowford Road**

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **On site**

Estimated Waste Generation (in G.P.D.): **A D F +0** **Peak= +0**

Treatment Plant: **Noonday**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Existing sewer customer
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Sami Nafisi

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving drainage system.

APPLICANT: Sami Nafisi

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Address Plan Review Comments.

APPLICANT: Sami Nafisi

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Shallowford Road	20,700	Arterial	45 mph	Cobb County	100'
Trickum Road	12,400	Major Collector	35 mph	Cobb County	80'

*Based on 2001 traffic counting data taken by Cobb DOT (Shallowford Road)
Based on 2009 traffic counting data taken by Cobb DOT (Trickum Road)*

COMMENTS AND OBSERVATIONS

Shallowford Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Trickum Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Trickum Road, a minimum of 40' from the roadway centerline.

Recommend any disturbed sidewalk to be rebuilt along road frontages.

Recommend existing Shallowford Road access be converted to a right in/ right out driveway.

Recommend existing Trickum Road access to an out only driveway.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-16 SAMI NAFISI

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Properties in the area are similarly zoned with similar uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The subject property has been used for a number of years as a convenience store with fuel sales and a carwash. The applicant plans to remove the old building and construct a new convenience store with fuel sales without a carwash.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. The current General Commercial (GC) zoning of the property along with the current NAC land use, does not allow for redevelopment of the property. The applicant will continue to use the property for a convenience store with fuel sales. The carwash will be removed and is not part of the new plans for construction.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Applicant is requesting rezoning in order to be in compliance with the *Cobb County Comprehensive Plan* in order to construct a new convenience store with fuel sales and remove the existing carwash.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on March 6, 2013, with the District Commissioner approving minor modifications;
- Elevations submitted and attached to this analysis, with modifications to be approved by the District Commissioner;
- Water and sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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May
2013

COBB COUNTY ZONING DEPARTMENT **Summary of Intent for Rezoning**

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): CONVENIENCE STORE
 - b) Proposed building architecture: BRICK, GLASS AND STUCCO
 - c) Proposed hours/days of operation: 24
 - d) List all requested variances: NONE
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

THIS IS AN EXISTING OPERATING CONVENIENCE STORE. THE TOTAL EXISTING BUILDING SQUARE FEET IS 1,229. THE OWNER WISHES TO DEMOLISH THE C-STORE AND CARWASH AND CONSTRUCT A NEW C-STORE 2940 S.F. IN SIZE. THE CURRENT GC ZONING IS NOT PERMITTED IN THE CURRENT LAND USE CLASSIFICATION.

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). NO

THE OWNER IS REQUIRED TO CHANGE THE ZONING TO A CLASSIFICATION ALLOWABLE. NRC IS REQUESTED.

COBB COUNTY GEORGIA
FILED IN DEPT

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COBB COUNTY ZONING DIVISION

IMPACT ANALYSIS
2375 SHALLOWFORD ROAD

- (a) The current use is the proposed use. The convenience store has operated at this location for many years. It is compatible with the surrounding retail uses.
- (b) This zoning proposal brings the property in compliance with the adopted land use plan and will not have an adverse impact on the surrounding retail uses.
- (c) The current use is the proposed use which is a reasonable economic use.
- (d) The property lies at the intersection of two busy streets and is currently served by adequate public infrastructure. In as much as the existing use has functioned at this location for numerous years with no apparent adverse impact, it can be concluded that no significant additional impact will occur.
- (e) This zoning brings the property into compliance with the land use plan. When the owner made application for a building permit, staff notified the owner of the lack of compliance under the adopted land use plan. In order to proceed forward with the building permit, the owner is required to adjust the zoning classification. Approval will bring the property in compliance.

2375 SHALLOWFORD RD
MARIETTA, GEORGIA 30066

**SAMS MART
CONVENIENCE STORE**

**EXT
ELEV
A**

DATE	3-10-
DRAWN	JMS
CHECKED	JMS
SCALE	AS SHOWN

DIEMER ASSOCIATES
ARCHITECTS
P.O. BOX 130
OXFORD GA 30054
TEL (770) 766-3278
FAX (770) 766-5284

NO.	DATE	DESCRIPTION
1		PRELIMINARY
2		REVISED

